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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,885	02/12/2004	Anthony M. Mazany	GOODR-A-CIP	7263
757	7590	10/31/2005	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			MARCANTONI, PAUL D	
			ART UNIT	PAPER NUMBER
			1755	
DATE MAILED: 10/31/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,885

Applicant(s)

MAZANY ET AL.

Examiner

Paul Marcantoni

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-22,24-98 and 102-104 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-22,24-98 and 102-104 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claims 1-2, 4-22, 24-98, and 102-104 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

Claims 1 and 2 are indefinite because they do not contain the term "composition" and thus the dependent claims lack antecedent basis. Correction can be made by following the directions below:

In the Claims:

In claim 1, line 1, insert --composition-- after the term *matrix*.

In claim 1, line 1, insert ---composition--- after the term *binder*.

In claim 1, line 1, insert ---composition--- after the term *foam*.

In claim 2, line 1, insert --composition-- after the term *matrix*.

In claim 2, line 1, insert ---composition--- after the term *binder*.

In claim 2, line 1, insert ---composition--- after the term *foam*.

Claim 5 is indefinite because of improper Markush language. Selected from should be amended to selected from the group consisting of.

Claim 14 is indefinite because the terms "can range from 1 to 5", "can range from 1 to 10, and "can range from 0 to about 30" are indefinite. This can be corrected by deleting the term "can" in all these instances in claim 14.

Claim 21 is indefinite because the term "P-based bases" is not clear. Does this mean P or phosphorous containing or phosphorous derived bases?

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The use of the terms "can vary" in claim 28 regarding component A is indefinite.

Deletion of "can" is advised. The terms "can be added if desired" is also indefinite.

Deletion of this and replacement with --is optionally added--- is advised.

The terms "such as" stated twice in claim 28 under C network modifiers is indefinite.

Removal of "such as" is advised.

Also, in claim 28, the term "selected from one or more, alone or in combination" is indefinite because it is not proper Markusch language. Amendment to --selected from the group consisting of is advised (see D optional additives). Also under (iii), "selected from " is indefinite for the same reasons and amendment to proper Markusch language is advised.

The term "organic based" is indefinite in claim 28 under (iv) component. Is it derived from organic or is it organic containing toughening agents?


The term "such as" is indefinite in claim 34.

The terms "low molecular weight polymers" and "high molecular weight polymers" are indefinite. What is considered the range of low molecular weight for polymers and what is considered the range of high molecular weight for polymers. Please define a specific range for each to be responsive to this indefiniteness issue.

It is expected that the resolution of issues under the second paragraph of 35 USC 112 will lead to the allowance of all claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Marcantoni whose telephone number is 571-272-1373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul Marcantoni
Primary Examiner
Art Unit 1755